

1 Amend 2 Cal. Code Regs. section 18361.7 to read:

2 **§ 18361.7. Executive Director Subpoena Authority.**

3 Notwithstanding 2 Cal. Code Regs. section 18319:

4 ~~(a)~~ The Executive Director ~~shall have~~ has the authority to issue ~~a subpoenas~~ subpoena on
5 behalf of the Commission pursuant to Government Code ~~S~~sections 83118 and 11510.

6 The Executive Director ~~shall not~~ may authorize the issuance of a subpoena duces tecum
7 ~~unless if~~ if he or she finds, based on information submitted to him or her in writing, that the
8 information requested in the subpoena is material to a specific matter ~~then~~ under

9 investigation, and ~~that there is reason to believe that~~ the Executive Director reasonably
10 believes the person or entity ~~to be subpoenaed~~ has the desired information under ~~their~~ its

11 control. ~~The Executive Director may delegate in writing his or her authority under~~
12 ~~Regulation 18361.1 to issue subpoenas only to the General Counsel or Chief of the~~
13 ~~Enforcement Division and then only when the Executive Director believes he or she~~
14 ~~cannot be fair or impartial with respect to a particular matter or when he or she will be~~
15 ~~away from the offices of the Commission.~~

16 ~~(b) The Executive Director may delegate in writing any other authority under~~
17 ~~regulations 18361.1 through 18361.8 only to the General Counsel and then only when the~~
18 ~~Executive Director believes he or she cannot be fair or impartial with respect to a~~
19 ~~particular matter or when he or she will be away from the offices of the Commission.~~

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21 NOTE: Authority cited: Section 83112, Government Code.

22 Reference: Sections 83115, 83115.5 and 83116, Government Code.

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